

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TESSERA, INC.,

Plaintiff,

v.

ADVANCED MICRO DEVICES, INC., a
Delaware corporation; SPANSION,
LLC, a Delaware limited liability
corporation; SPANSION, INC., a
Delaware corporation; SPANSION
TECHNOLOGY, INC., a Delaware
corporation; ADVANCED
SEMICONDUCTOR ENGINEERING, INC.,
a Republic of China corporation;
ASE (U.S.), INC., a California
corporation; CHIPMOS
TECHNOLOGIES, INC., a Republic of
China corporation; CHIPMOS
U.S.A., INC., a California
corporation; SILICONWARE
PRECISION INDUSTRIES CO., LTD., a
Republic of China corporation;
SILICONWARE USA, INC., a
California corporation;
STMICROELECTRONICS N.V., a
Netherlands corporation;
STMICROELECTRONICS, INC., a
Delaware corporation; STATS
CHIPPAC, INC., a Delaware
corporation; STATS CHIPPAC (BVI),
INC., a British Virgin Islands
company; STATS CHIPPAC, LTD., a
Singapore company,

Defendants.

No. C 05-4063 CW

ORDER REGARDING
SELECTION OF
COURT-APPOINTED
EXPERT

SILICONWARE PRECISION INDUSTRIES
CO, LTD; SILICONWARE U.S.A.,
INC.,

Plaintiffs,

v.

TESSERA, INC.,

Defendant.

No. C 08-3667 CW

1 CHIPMOS TECHNOLOGIES, INC.;
2 CHIPMOS U.S.A., INC.; CHIPMOS
3 TECHNOLOGIES (BERMUDA), LTD.,

No. C 08-3827 CW

4 Plaintiffs,

5 v.

6 TESSERA, INC.,

7 Defendant.
8 _____/

9 ADVANCED SEMICONDUCTOR
10 ENGINEERING, INC.; ASE TEST
11 LIMITED; ASE (U.S.), INC.,

No. C 08-3726 CW

12 Plaintiffs,

13 v.

14 TESSERA, INC.,

15 Defendant.
16 _____/

17 SPANSION, INC., et al.,

No. C 10-4954 CW

18 Plaintiffs,

19 v.

20 TESSERA, INC.,

21 Claimant.
22 _____/

23 POWERTECH TECHNOLOGY INC.,

No. C 10-945 CW

24 Plaintiff,

25 v.

26 TESSERA, INC.,

27 Defendant.
28 _____/

POWERTECH TECHNOLOGY INC.,

No. C 11-6121 CW

Plaintiff,

v.

TESSERA, INC.,

Defendant.

TESSERA, INC.,

No. C 12-692 CW

Plaintiff,

v.

QUALCOMM, INC.; FREESCALE
SEMICONDUCTOR, INC.; ATI
TECHNOLOGIES, ULC,

Defendants.

AND ALL RELATED COUNTERCLAIMS

At the January 4, 2012 case management conference, the Court directed the parties to meet and confer regarding the selection of a court-appointed expert, and to submit proposals to the Court if they were unable to agree on a selection. Subsequently, Tessera and Defendants¹ each submitted two proposed experts, along with objections to the experts proposed by the opposing side.

After the parties filed their proposals of experts, the Court related a newly-transferred case, Tessera, Inc. v. Qualcomm, Inc., et al., Case No. 12-692. The parties have represented in their

¹ For ease of reference, the Court will collectively refer to the parties opposing Tessera, Inc. in each case as Defendants, even though they are the plaintiffs in some of the related cases.

1 filings that Defendants in the newly-transferred case have
2 participated in the selection of Defendants' proposed experts.

3 However, it does not appear that Powertech Technology, Inc.
4 (PTI) has participated in the selection of proposed court-
5 appointed experts. Within five days of this order, PTI shall file
6 with the Court a notice that it has joined in the proposals put
7 forward by either Defendants or Tessera or a brief statement
8 expressing its support and opposition to each of the nominees.

9 Having considered the parties' submissions regarding the
10 selection of a court-appointed expert, the Court further ORDERS as
11 follows:

12 1. The parties shall jointly speak with Dr. Peter Borgeson
13 to clarify the facts of his statements during their shared meeting
14 with him, and shall, within seven days of this order, file a joint
15 letter setting forth the agreed facts of his statements. If
16 Tessera withdraws its objection to Dr. Borgeson after such
17 clarification, it shall notify the Court of its withdrawal by that
18 date.

19 2. The parties shall jointly speak with Dr. Reinhold
20 Dauskardt regarding a proposal to address the issue of consulting
21 opportunities that may arise during the case and shall, within
22 seven days of this order, file a stipulation setting forward their
23 agreement on a resolution of this issue. Alternatively, if the
24 parties are unable to reach a resolution satisfactory to them and
25 Dr. Dauskardt, they shall by that day a joint letter advising the
26 Court of their good faith efforts and the status thereof.

27 3. The parties shall, within ten days of this order,
28 jointly file a proposed order instructing the court-appointed

1 expert as to his duties in connection with this case. They may
2 use the Court's order of May 22, 2009 (Docket No. 96) in
3 Monolithic Power Systems, Inc. v. O2 Micro International, Ltd.,
4 Case No. 08-4567, and the Court's Order of May 5, 2008 (Docket No.
5 302) in Fujitsu Ltd. v. Nanya Tech. Corp., Case No. 06-6613, as
6 models.

7 4. The parties shall submit, within ten days of this order,
8 a proposed schedule indicating the deadline by which the parties
9 will provide the court-appointed expert with information, what
10 information will be provided, and the deadline by which the
11 parties will depose the court-appointed expert. The Court has
12 already set August 1, 2013 as the date by which the
13 court-appointed expert's report is due.

14 IT IS SO ORDERED.

15
16 Dated: 3/7/2012

17 
18 CLAUDIA WILKEN
19 United States District Judge
20
21
22
23
24
25
26
27
28